IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1097 of 2007

BAJRANG LAL
V/S
A.D.J.(F.T.)NO.3,BIKANER & ORS.

Mr. AJAY VYAS for Mr. BHEEMKANT VYAS, for the appellant / petitioner

Date of Order : 11.4.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned trial court had declined to frame additional issue and has observed that on the plea sought to be covered by the additional issue, the parties have already led evidence, and therefore, even without formally framing the issue the question can be gone into by the Court as the case is at the stage of final arguments.

In my view, this part of the order does not require any interference in the writ jurisdiction. The writ petition is, therefore, dismissed summarily. However, it will be open to the petitioner to assail the correctness, legality or propriety of the impugned order by setting forth appropriate ground in appeal, if necessity so arises, and if the petitioner so stands advised.

(N P GUPTA),J.

/Sushil/